

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>HERBERT HEWLISS BROWN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:09-1060</b>
	)	<b>JUDGE ECHOLS</b>
<b>WESTERN EXPRESS AND</b>	)	
<b>ASSOCIATES, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Pending before the Court are the Report and Recommendation (“R&R”) entered by the United States Magistrate Judge on June 18, 2010 (Docket Entry No. 21) and the Motion To Dismiss Of Easterday and Larson (Docket Entry No. 11), to which Plaintiff Herbert Hewliss Brown did not respond, even after the Magistrate Judge entered an Order To Show Cause directing Plaintiff to state why the motion to dismiss should not be granted. (Docket Entry No. 17). Plaintiff also did not file any objections to the R&R, even though he was informed in the R&R that any objections were due within fourteen (14) days.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

Having carefully reviewed the file, the Court finds that no error of fact or law appears in the R&R. The recommendation to dismiss Plaintiff’s claims against Defendants Easterday and Larson with prejudice for failure to state a claim is fully supported by the record. Accordingly,

(1) the R&R of the Magistrate Judge (Docket Entry No. 21) is hereby ACCEPTED;

(2) the Motion To Dismiss Of Easterday and Larson (Docket Entry No. 11) is hereby GRANTED;

(3) Plaintiff's claims against Defendants Easterday and Larson are hereby DISMISSED WITH PREJUDICE; and

(4) this case is returned to the Magistrate Judge for further case management.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE